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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/214,868 01/14/99 EIPEL

H 47114

IM52/0209

KEIL & WEINKAUF  
1101 CONNECTICUT AVE NW  
WASHINGTON DC 20036

EXAMINER

ALEXANDER, L

ART UNIT

PAPER NUMBER

1743

DATE MAILED:

02/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application N .</b>		<b>Applicant(s)</b>
	09/214,868		EIPEL ET AL.
	<b>Examiner</b>		<b>Art Unit</b>
	Lyle A Alexander		1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 14) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 19) <input type="checkbox"/> Other: _____                                    |

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***Claim Rejections - 35 USC § 112***

Claims 2 and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

See the appropriate paragraph of paper 5.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0402718, PCT 94/27719, WO 95/35505 or Fox.

See the appropriate paragraph page 5.

***Response to Arguments***

Applicant's arguments filed 11/24/00 have been fully considered but they are not persuasive.

There appears to be some confusion on what claims are pending in this application. Claims 1-12 are pending and attached is a copy of the pending claims. The 11/24/00 amendments to claims 8-9 have not been entered because they fail to conform with 37 CFR 1.121.

Applicants state the claims requires a "non-continuous hydrophobic zone". Presently, only claim 3 requires a "non-continuous zone" and these remarks are not commensurate in scope with pending claims 1-2 and 4-12.

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Claim 3 requires a "non-continuous hydrophobic zones". EP 0402718 teaches on page 2 lines 20+ use of an adhesive pattern and on page 3 line 36+ the non-adhesive part of the pattern including a hydrophobic surface which has been properly read on the claims. WO 95/35505 teaches on page 3 line 25 hydrophobic regions. Fox teaches a bottom hydrophobic layer that are separated by the cone/apertures. Applicants remarks concerning WO 94/27719 are not understood because page 7 lines 6-8 teach making a mask which reads on the claimed "non-continuous zone".

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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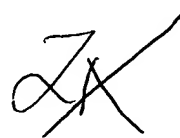
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A Alexander whose telephone number is 703-308-3893. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 703-308-4037. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

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February 8, 2001



**LYLE A. ALEXANDER**  
**PRIMARY EXAMINER**

We claim:

- 5 1. A solid support for analytical measurement methods which is essentially composed of an inert solid support material on which hydrophilic measurement zones which may be provided with a surface loading are separated from one another by at least one hydrophobic coating, where the number of measurement points applied per cm<sup>2</sup> of the support is greater than or equal to 10.
- 10 2. A solid support as claimed in claim 1, wherein the hydrophilic measurement zones are separated from one another by at least one continuous hydrophobic coating.
- 15 3. A solid support as claimed in claim 1, wherein the hydrophilic measurement zones applied to the support are separated from one another by non-continuous hydrophobic zones.
- 20 4. A support as claimed in <sup>claim 1</sup> ~~any of claims 1 to 3~~, wherein the support material used is glass, ceramic, quartz, metal, stone, plastic, rubber, silicon or porcelain.
- 25 5. A support as claimed in <sup>claim 1</sup> ~~any of claims 1 to 4~~, wherein a transparent support material selected from the group of glass, quartz, silicon or plastic is used.
- 30 6. A process for producing a support as claimed in any of claims 1 to 5, which comprises providing the support with at least one hydrophobic coating, and applying the hydrophilic measurement zones by microlithography, photoetching, microprinting or a micropunch technique.
- 35 7. A process for producing a support as claimed in any of claims 1 to 5, which comprises providing a hydrophilic or hydrophilized support with at least one hydrophobic coating by microlithography, photoetching, microprinting or a micropunch technique so as to produce hydrophilic measurement zones which are separated from one another.
- 40 8. A process for producing a support as claimed in claim 6 or 7, wherein a surface loading is additionally applied in the hydrophilic measurement zones on the support.
- 45 9. An analytical measurement method which comprises liquid analysis samples which may, where appropriate, be covered with a hydrophobic layer being applied and analyzed in the

hydrophilic measurement zones on a support as claimed in any of claims 1 to 5.

10. An analytical measurement method as claimed in claim 9,  
5 wherein the analytical measurement is carried out in an atmosphere which is virtually saturated with water vapor.
11. An analytical measurement method as claimed in claim 9 or 10,  
10 wherein the analytical measurement is carried out while cooling the support.
12. The use of a support as claimed in any of claims 1 to 5 in  
15 diagnostic methods, in research looking for active substances, in combinatorial chemistry, in crop protection, in toxicology or in environmental protection.

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